FY 2019
SMALL NEPA PROJECT DESCRIPTION
Nez Perce-Clearwater National Forests

Please **do not leave any field BLANK**, unless it does not apply.
Submit form (Word doc) electronically to jjchynoweth@fs.fed.us by **May 9, 2019.**

(NOTE: Italicized / red comments are for reference only. You may delete them when completing form.)

Project Name	Lucky Strike Placer
District Name (or "Forestwide")	Red River
County where project located?	Idaho County
FS Personnel Name, Phone Number and Email *If a partnership, please add name, phone and email; however, **an FS employee MUST BE the project proponent** and point of contact.*	Curtis Caton 935-4262 curtis.l.caton@fs.fed.us Marty Jones 983-5158 martinjones@fs.fed.us
Legal Location *Township(s), Range(s), and Section(s) of project.*	Mer. 08, Sec. 13, T29N, R06E Mer. 08, Sec. 18, T29N, R07E
District Ranger / Line Officer's Name *Person(s) responsible for signing the decision document*	Terry Nevius
Is the project associated with meeting a Forest target?	Minerals Plan Administration (T12)

Which CE Category does this project fit? *Provide citation: 36 CFR 220.6(e)(x)* *See below regarding 220.6(d)(x) projects.*	36CFR220.6(e)8 (8) Short-term (1 year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than 1 mile of low standard road, or use and minor repair of existing roads. Examples include, but are not limited to: (i) Authorizing geophysical investigations which use existing roads that may require incidental repair to reach sites for drilling core holes, temperature gradient holes, or seismic shot holes; (ii) Gathering geophysical data using shot hole, vibroseis, or surface charge methods; (iii) Trenching to obtain evidence of mineralization; (iv) Clearing vegetation for sight paths or from areas used for investigation or support facilities; (v) Redesigning or rearranging surface facilities within an approved site; (vi) Approving interim and final site restoration measures; and (vii) Approving a plan for exploration which authorizes repair of an existing road and the construction of1/3mile of temporary road; clearing vegetation from an acre of land for trenches, drill pads, or support facilities

A Project Record or written Decision are <u>not required</u> for projects for 36 CFR 220.6 (d) categories except at the Decision Maker's discretion.

IF *being submitted under <u>36 CFR 220.6 (d)</u>*, does the Decision Maker want a written Decision?

Yes

*<u>If no</u>, this form **does not** need to be filled out nor submitted to the Small NEPA planner.*

<u>If yes</u>, provide the category above, complete the remainder of this form and have Decision Maker submit it to the Small NEPA planner. **CE Category: 36 CFR 220.6 (e)(8)**

At what level does the Decision Maker want the project scoped?

Internal___ External*_X__

Internal scoping will be through the Small NEPA IDT, unless otherwise specified. Scoping would be documented in the Extraordinary Circumstances Checklist.

*External scoping will be with the public via a scoping letter, a legal notice, and the scoping letter posted on the NPCWNF website. The Project will only be scoped to the Tribe(s) et al (see * below), unless otherwise specified.*

**For external scoping, please to complete block below.*

Provide a list of the individuals, groups, agencies, etc. (other than those listed below*) with their mailing address and/or email address, of those who will be included for *external* Scoping.

- DO NOT provide only a name.
- DO NOT leave this box blank: If no additional individuals et al are to be scoped please enter N/A.

Dave Hembree
dhembree@nwprospector.org
Northwest Prospectors LLC
2893 HWY 13 #28
Harpster, ID, 83552

* *The Nez Perce and Coeur d'Alene Tribes will be scoped. The following will also be included for all SN scoping: Friends of the Clearwater, Idaho Conservation League, Thomas E. Peterson and Bill Mulligan.*

What Level of Analysis (below) does the Decision Maker want for the Project?

___ **Low level:** If the project's level of public scrutiny is projected to be relatively low or unknown, the line officer chooses who we would contact for scoping (limited). In this case specialists would only do the checklist for each project. Documentation for low level analysis projects would be a completed checklist filled out by the specialists, including the name of the specialist who performed the analysis, the project name, and date it was completed. No other written documentation would be generated.

__X__ **Moderate level:** If the project's level of public scrutiny is projected to be relatively moderate to high, then the line officer chooses who we would contact for scoping (a little broader). In this case, specialists would complete the checklist with the only write up being for items that are present and the rationale for the effects call. No write up would be given for items in the checklist that are not present. If the determination is no effect (which generally speaking, most CE's should have zero to very little adverse effects), then document why that determination was made in one paragraph or less. If the determination is an adverse effect, then why that determination was made would be written in less three paragraphs.

List the Management Area(s) in which your project is located.

Minerals (?)

What are the desired conditions (*relevant to your project*) for the Management Area(s) listed above?

Mineral resource activities will be administered under the appropriate laws and regulations to ensure protection of surface resources while not unduly interfering with mining operations. Exploration and development of mineral resources will be facilitated by providing timely responses to Notices of Intent and Operating Plans. Emphasis will be put on working actively with operators to develop adequate operating plans and to obtain sufficient bonds to cover estimated reclamation needs. The frequency of inspections of ongoing operations will be commensurate with their size and complexity and will ensure adequacy of operating plans and identify unforeseen environmental impacts. Reclamation of disturbed areas to a productive condition will be required in all cases.

Desired conditions are described in Chapters 2 & 3 of the Nez Perce and Clearwater Forest Plans.

Is the project in an Inventoried Roadless Area (IRA)? No

If yes, which one?

** Fill in the 'Project in Roadless Area' table below, **AND** complete a Briefing Paper - note map requirements. Provide the completed Briefing Paper to the Environmental Coordinator and Brian Riggers prior to scoping.*

Is the project in a congressionally designated area, ex. Wilderness Area, Wild & Scenic River Corridor, Research Natural Area, Historic Trail, etc.? No

If yes, which one(s)?

** Please contact Carol Hennessey, cahennessey@fs.fed.us, 935-4270, BEFORE submitting this proposal, to discuss how the project may affect the designated area.*

** For projects that occur in the **Lolo Trail National Historic Landmark**, please contact Steve Lucas, slucas@fs.fed.us, 208-983-4040, **BEFORE submitting this proposal**, to discuss how the project may affect the designated area.*

Are there Floodplains or Wetlands in the project area? Yes

Are there Municipal Watersheds in the project area? No

If yes, which one?

Is the project located in an RHCA? Yes

What is the Purpose and Need for the proposed action*?

Laws governing activities on National Forest System lands provide the public a statutory right to conduct locatable mineral exploration, provided activities are reasonably incidental to mining and comply with other Federal laws and regulations (i.e. 1872 Mining Law as amended, 1897 Organic Act, 1955 Mining Act, and case law). The purpose of this project is to approve Northwest Prospectors LLC's Plans of Operations (Plan) to explore for mineral resources on National Forest System lands in the area of the proposed action. In accordance with 36 CFR 228.5, the Forest Service is required to determine whether to approve the Plan, as proposed, or to require changes or additions to the Plan deemed necessary to minimize adverse environmental effects and to provide for reclamation of surface resources (36 CFR Part 228A).

** The purpose and need describes: Why the action being proposed at this location at this time (the problem/the need for the action?). And the desired goal/outcome (the purpose) of the action.*

Describe the Existing Condition of the project area.

The project area is located in upland terrain and has characteristics of a previously disturbed area. The project area has seen historic mining and logging activity.

Describe the Proposed Action.

Northwest Prospectors LLC proposes to conduct mineral exploration activities on their Federal placer claims located in the Leggett Creek watershed of the Nez Perce-Clearwater National Forest. Northwest Prospectors' land package totals 280 acres, referred to herein as the "project area." Within the project area, six areas of interest (AOI) have been identified. Excavation and mineral sampling activities will be limited to four upland AOI and instream sampling limited to two AOI on Leggett Creek.

Access to the project area from Highway 14 is north along Forest Road (FR) 649 to FR440 and FR440B. To reach the four upland AOI, an approximately 975-foot temporary access road will be constructed extending from FR440B to an existing primitive non-system logging road. The temporary road will be wide enough to allow vehicular and equipment traffic. Cutting of merchantable timber will be avoided; however, some tree cutting may be necessary to field fit the road and trails in the safest location. No timber will be removed from site. Cut trees and brush will be side-cast in a manner that doesn't impede game trails or create an unnecessary fire hazard. The temporary (constructed) roads and trails will be reclaimed once not needed or at closure

FR440B and the primitive logging road will require clearing of deadfalls and minor amounts of brushing. Two approximately 700-foot temporary ATV access trails (total 1400 feet) will also be constructed from the primitive logging road to the two Leggett Creek AOI. Up to three culverts will be installed if storm water drainage causes road erosion.

An existing logging equipment pad at the junction of FR440 and FR440C will be utilized as a campsite and equipment staging area. An estimated 4-6 tent trailers or campers will be parked on the pad to accommodate 4-6 workers. No construction of facilities is required. Expected equipment at the staging area is up to six all-wheel drive vehicles, two to four ATVs and a cargo trailer for storage of tools and equipment.

Excavations at AOI's A-1, A-2, B-1, and B-2 will not exceed one-half acre of disturbance per AOI (total disturbance for all four AOIs approx. two acres). A midsized excavator will be used to dig the trenches (each up to 25 ft. L x 10 ft. W and down to bedrock) with the excavated topsoil, vegetative matter and overburden material stockpiled separately for reclamation. The maximum number of trenches in the project area will not exceed 16 with no more than four trenches excavated within an AOI. Only one (1) active trench would be open at any one time. Reclamation may be occurring at one (1) other trench concurrently.

Mineral samples collected from the two feet of gravels nearest bedrock will be processed onsite with a portable, recirculatory, self-contained trommel system. If ore-bearing material is present, a bulk sample will be hauled to the wash plant. Once the ore-bearing material has been processed into a concentrate, the operator will determine the economic value of the mineral deposit. Further sampling in the AOI will then be determined. The location(s) of any remaining trenches may be modified within the AOI depending on sampling results.

An area estimated to be 75 feet by 75 feet will be cleared of brush to set up the processing area. The processing area will consist of a wash plant, two fresh water storage containers (each 16 ft. L x 16 ft. W x 4 ft. deep), and three subsurface settling ponds (each 10 ft. x 10 ft.). Water will be recirculated from the settling ponds into the wash plant. Due to water loss from infiltration, make up water will be brought to the processing area from Leggett Creek or the adjacent perennial stream using an eight horsepower pump. A permit for water withdrawal will be obtained from the Idaho Department of Water Resources before any water is withdrawn from any live stream.

List the Design Criteria / Mitigation Measures * to be included with the Proposed Action.

General Requirements

1. Notify District Ranger or minerals administrator at least 48 hours before any work is to begin.

2. Wash all vehicles and equipment used at the site before being brought onto National Forest system lands to prevent the spread of noxious weeds, seeds or propagules.

3. Avoid disturbance of wetlands and stream riparian zones when possible.

4. Avoid working on saturated soils. Exploration activities must cease to avoid sedimentation into intermittent streams if excessive storm water or ground water runoff is occurring.

5. Prevent discharge of water into any live stream or wetland. To avoid erosion and discharge impact to streams, all activities (including drilling, construction of pads, hand-dug sumps, and any overland travel) will be kept at least 164 feet (50 m) from flowing water that is down gradient.

6. Place weed free straw bales or install silt fence in places as identified by a Forest Service representative to minimize sediment migration from stockpiles and disturbed ground.

7. Obtain prior approval from the Forest Service for cutting or removal of trees or other large live vegetation. Downfall may be removed as needed.

8. Set aside cleared slash and green vegetation (e.g., bear grass) during test pit construction. Remove vegetation in clumps, if possible, with the soil mass intact. Store excavated topsoil and subsoil in separate stockpiles to be used during reclamation. Temporarily replant vegetation clumps in the topsoil stockpile.

9. Maintain only one (1) active pit or trench open at any one time. Reclamation may be occurring at one (1) other pit or trench concurrently.

10. To help alleviate the need for field crew to decide if fish are present in water withdrawal locations, a 1/8” screen will be installed on pump intake hoses even when utilizing a 5-gallon bucket with drilled holes. Water withdrawals will be located on small, high gradient streams as far up creek drainages as feasible to avoid habitat used by fish and sourced from streams under existing permits from the State of Idaho.

11. Collect process water in the existing pit or settling pond. Regulate discharge to prevent overtopping the pit/pond, and/or land apply excess water on a site designated by the Forest Service. Application sites will typically be natural sumps or depressions, pits or trap(s) that avoid impacts to wetlands or streams and minimizes impacts to other surface resources. Application rate will be such that overland flow is avoided and a natural infiltration occurs through forest duff.

12. Backfill and reclaim each excavated or dredged test pit or trench as soon as testing has been completed for that site.

13. Follow the State of Idaho Best Management Practices (BMPs) for all surface disturbing activities, reclamation, and abandonment. BMPs are outlined in the Best Management Practices for Mining in Idaho (Idaho BMPs) (Idaho Department of Lands, et al. 1992). State of Idaho/U.S. Army Corps of Engineers guidelines for suction dredging/stream alteration activities will be followed.

Small NEPA IDT/resource specialists are listed below. Contact them if you have any questions regarding their resource for your project.

Botany – Mike Hays, mhays01@fs.fed.us; 983-4028
Fisheries – Derrick Bawdon, dbawdon@fs.fed.us; 963-4211
Heritage – Steve Lucas, slucas@fs.fed.us; 983-4040
Hydrology – Cynthia Valle, cvalle@fs.fed.us; 963-4203
Minerals – Marty Jones, martinjones@fs.fed.us; 983-5158
Recreation – Carol Hennessey, cahennessey@fs.fed.us; 935-4270
Soils – Alex Rozin, alexandrarozin@fs.fed.us, 842-2100
Wild and Scenic River – Chris Noyes, chnoyes@fs.fed.us; 935-4251
Wildlife – Jim Lutes, jamesrlutes@fs.fed.us; 963-4202

PROJECT MAPS

Please send – separate from this form and per the instructions outlined below – a GIS-generated map or maps of the project area (pdf format only) with the project submission email.

- Make sure that the map layers can be turned on / off / are editable.
- Make sure the map(s) fits on an 8.5 x 11 sheet of paper.

Provide at least one map, preferably "portrait" orientation, with the project area / features as:

- a Point, e.g. culvert, bridge, etc.,
- a Line, e.g. fence, road, creek, etc., and/or
- a Polygon, e.g. stand boundaries, treatment areas, etc.
    - Do not use a point if treating an area, use a polygon.
    - Points/lines/polygons need to be distinct and easily found on the map.
    - The project area / site needs to be centered on the map, especially if only one area/feature.

Please use the Forest Visitor Map as your map's base layer.

- Do not add contour lines to the FV map unless needed for clarifying the proposed action. Contour lines can make the map difficult to read.
    - If contour lines are needed, make sure they are distinguishable from other linear features such as roads, trails, streams, etc.
- A topo map can be substituted for the FV map. If using a topo map but the contour lines are not important the topo lines should be light gray or opaque.
- Regardless of base map, make sure there are identifiable elements, e.g. towns, roads, streams, etc. on the map to help locate the project area on the landscape and that the elements are clearly labeled.

The preferred map scale (typically 1:24K) is whatever scale best presents the project area's location and proposed activities:

- If the 1:24K scale is too small (i.e. the project feature(s) – point/line/polygon – would be hard to find or would be indistinguishable on just one map), use a larger scale to show the overall project area (coarse scale map) and smaller scaled maps to show the project features (fine scale map).
- If the 1:24K scale is too big (i.e. the project feature is a tiny point or thin line lost/hard to find on the larger landscape), use a smaller scale to highlight the feature while ensuring there are elements on the map to identify the project's location.
- If you need to make additional maps, please make as few as possible.

At a minimum, all maps should include (with the preferred but not set in stone location on the map):

- a Title (project name and district name only (please); centered at top)
- a Legend (features clearly labeled; lower right corner)
- a Scale (in half mile, e.g. 0__0.25__0.5 miles, or full miles, e.g. 0__0.25__0.5__1.0 miles; lower left corner)
- a North Arrow (upper right corner)
    - Display all of the above in boxes with black outlines and a white backgrounds (not gray or yellow)
    - Do not 'Halo' the text or numbers or anything else on the map. Please.
    - The Scale needs to be large enough to read the numbers.

Finally, please include the mapmakers name and the date it was created on the map.

The Map(s) you provide will be used for Scoping the Public and the Tribes and in the Decision document. Please make sure they show – clearly, effectively, and professionally – what activity or activities are being proposed and where they are located on the Nez Perce - Clearwater National Forests.

SHAPEFILES

The resource specialists require the shapefile(s) of the project's proposed activities before they will conduct their analyses. Providing the shapefile does not substitute for providing a pdf map.

The Project Proponent needs to send the shapefile, or a location where the shapefile can be found, to the Small NEPA Planner (currently: jjchynoweth@fs.fed.us) by the time or shortly after the District Ranger submits this form.

- Shapefiles need to include the Project Name and have the Feature (culvert, bridge, etc.) labeled.
- Shapefiles need to include the following extensions – .dbf, .prj, .sbn, .shp, .shx, and .xml.

PROPONENT: When submitting the shapefile(s) you must include in the email how the location(s) of the project feature(s), i.e. line, point, and/or polygon, were determined (see below):

- Field-collected GPS data;
- From existing corporate GIS data (provide name of GIS layer);
- Created (digitized) from an aerial photo;
- Created (digitized) from the existing corporate GIS data;
- Created (digitized) from the NPCLW Visitor Map;
- Other (describe).

Projects in Roadless Area

What is the Inventoried Roadless Area name? *O:\NFS\NezPerceClearwater\Project\MultiBasin\Planning\ Small_NEPA_Cat_Ex\Reference Material\Roadless Rule Info*	**Forest Plan IRA Name *(if different)*:**
Identify the Idaho Roadless Management Classification: • *Wild Land Recreation* • *Special Areas of Historic or Tribal Significance* • *Primitive* • *Backcountry Restoration* • *General Forest, Rangeland and Grassland*	**Classification(s):**
Does the project involve constructing or reconstructing roads? No * If yes, see *http://www.gpo.gov/fdsys/pkg/CFR-2011-title36-vol2* then navigate to Subpart C 294.23	
Does the project involve cutting trees? No * *If yes, see http://www.gpo.gov/fdsys/pkg/CFR-2011-title36-vol2* then navigate to Subpart C 294.24	
Does the project involve removing minerals, including common variety minerals? No * *If yes, see http://www.gpo.gov/fdsys/pkg/CFR-2011-title36-vol2* then navigate to Subpart C 294.25	

JC : 4/1/2019

Additional Information:

ATTACHMENT A.

South Fork Clearwater River—2018

Biological Assessment/Opinion Terms and Conditions Relevant to Miners and Necessary For Compliance With Plans of Operations with the Nez Perce-Clearwater National Forests

While each miner must read, understand, and comply with all portions of these conditions (whether through direct action or via maps and instructions from the Forest Service), certain phrases or passages are highlighted below to emphasize particularly important specifics or concepts.

A. Mining Operations

The act of placer mining inherently modifies some portion of the stream channel or riparian zone, because substrate, sediment, or soil is moved from one place to another and sorted. As described above, the FS or BLM do not have the authority to deny this basic activity, but do have the ability to place conditions on the methods, timing, and (to some extent) location of this movement and sorting. Site-specific operating conditions, design features, terms and conditions, and mitigation measures which are required, as applicable, for mining operations and associated activities covered by this consultation include:

1. The relevant Forest/BLM Field Office will require each operator to sign a written statement listing and accepting all mitigation and terms and conditions as part of their NOI/POO prior to acknowledging/ approving implementation of their placer mining operation. The operator would also be required to provide the Forest and BLM a description of the specific location(s) of the operation within the delineated operating reach, the surface areas and estimated volume of substrate dredged/disturbed, the number of days/hours per day operated, length/breadth of maximum turbidity plume each day, any sightings of ESA-listed species, and descriptions of unusual events. Field forms will be provided to each operator to facilitate recording of this information

2. Suction dredging operations will occur only within the wetted perimeter below the ordinary high water line during an IDWR dredge season, and activities which would expand the wetted perimeter (such as streambank alteration) would not be permitted.

3. Prior to dredging or other "may affect" activities, operators must meet with the relevant FS/BLM unit fisheries biologist and/or other relevant staff who will inspect the proposed operation sites. No dredging or other movement or modification of substrate will be allowed in localized areas where ESA-listed salmonids are known to spawn or otherwise concentrate or in likely spawning/early rearing habitat. Miners will also be required to avoid known localized, preferred, and uncommon habitat of salmonid fry, Pacific lamprey larvae, and western pearlshell mussel, including low-velocity backwaters, alcoves, and side channels (as indicated by clay, silt, or sand substrate). The areas that would be required to be avoided during dredging reach delineation would be specific locations within the proposed operation areas rather than extensive stream reaches.

4. Suction dredges will have a nozzle diameter of 5 inches or less and a horsepower rating of 15 horsepower or less.

5. Pump intakes (but not dredge nozzles) must be covered with 3/32" mesh screen or other appropriate size.

6. Dredging operations and other instream activities must take place only during daylight hours.

7. Any cobble or small boulders moved from their initial location in the channel (in order to reach bedrock) would be repositioned into its approximate original configuration in elevation and stream channel morphology and all dredge or other spoil piles must be dispersed by the end of the dredging season. In particular, the operator will not move cobbles or small boulders in the stream course to the extent that substantial alterations of the deepest and fastest portion of the stream channel (i.e., the thalweg) persist beyond the end of the dredging season.

8. Operations must not constrict or dam the stream channel or otherwise cause a potential structural barrier to upstream or downstream fish movement; any such substrate arrangements must be dispersed on a daily basis. Dredged or other excavated holes must be backfilled before any new dredge holes are excavated.

   Dredging would be excluded from mainstem SFCR areas within 15 feet laterally and 30 feet downstream of fish-bearing tributary mouths, and daily operations would not be permitted to hinder fish access to fish-bearing tributary mouths through disturbance, turbidity, or modifications of channel depth or substrate arrangement.

   For the five SFCR tributaries known or thought to currently support bull trout spawning/rearing (Johns Creek, Tenmile Creek, Newsome Creek, Crooked River, and Red River) and for American River, dredging would be excluded within 50 feet laterally (up to half the width of the SFCR), and 50 feet upstream and 150 feet downstream of the tributary mouths.

   If miners desire to dredge between 150 and 300 feet downstream of the tributary mouths specifically named above (and on the tributary entrance side of the river), FS/BLM biologists would survey stream habitat quality in these areas prior to delineation of dredging reaches. Based on the combination of tributary "plumes" and high quality stream habitat type (in the form of substantial pools, LWD and boulder cover, etc.) FS/BLM and Level 1 Team biologists would then come to agreement on whether and where additional exclusion areas should be recognized during dredging reach delineation.

9. Per IDWR "letter permit" instructions, dredges must not operate in the gravel bar areas at the tails of pools. Dredges or other types of operation cannot be conducted in such a way that fine sediment (sand or silt) covers portions of gravel bars to a depth of more than 0.5 inch, but fine sediment mixed as a minority component with larger substrate is acceptable.

10. Dredging or other mining activities will not occur in the wetted channel within 2 feet of stream banks. Operators must prevent the undercutting and destabilization of stream banks and woody debris or boulders that extend from the bank into the channel and may not otherwise disturb streambanks. If streambanks are inadvertently disturbed in any way, they must be restored to the original contour and re-vegetated with native species at the end of the operating season.

11. Dredges and sluices must not operate in such a way that the current or the discharge from the sluice is directed into the bank in a way that causes disturbance to the bank and associated habitat, deposits sediment against the bank, causes erosion or destruction of the natural form of the channel, undercuts the bank, or widens the channel.

12. Operators may not remove, relocate, break apart, or lessen the stability of substantial in-channel woody debris or instream boulders (>12 inches median diameter) unless it was determined by the appropriate Forests/BLM minerals and fisheries staff that such wood or substrate particles are common enough that re-arrangement would not affect habitat availability or FS/BLM staff agree that the wood or boulder can be temporarily moved, but re-installed at the same location and elevation by the end of the operating season. The operator will not remove any large down or standing woody debris or trees for firewood within 150 feet of the stream.

13. Operators must visually monitor the stream for 150 feet downstream of the dredging or sluicing operation (this is a condition of the general NPDES permit). If noticeable turbidity is observed downstream, the

operation must cease immediately or decrease in intensity until no increase in turbidity is observed 150 feet downstream.

14. No mechanized equipment will be operated below the mean high water mark except for the suction dredge, sluice, or pump itself and any life support system necessary to operate a suction dredge. No mechanized equipment will be used for conducting operations, including, unless specifically acknowledged or approved in an NOI or POO.

15. Operators must maintain a minimum spacing of at least 800 linear feet of stream channel between active mining operations (i.e., any operating within the same year), or the minimum distance between suction dredges required by the relevant NPDES general permit (whichever is greater).

16. To avoid reducing the quality of critical migratory and holding habitat for adult listed salmonids (as determined by the the appropriate Forests/BLM minerals and fisheries staff and discussed with the Level 1 team), operators will be required to avoid operating dredges within 150 linear feet upstream and 50 feet downstream of the highest quality pool within each ¼ mile of the relevant stream channel so that adult bull trout and other salmonids seeking cover and thermal refuge are not disturbed and so that a turbidity plume produced by the dredge does not reduce water quality or deposit sediment in the pool.

17. The suction dredge and other motorized equipment must be checked for leaks, and all leaks repaired, prior to the start of operations each day. The fuel container used for refueling equipment within the active stream channel must contain less fuel than the amount needed to fill the tank. Unless the dredge or other motorized equipment has a detachable fuel tank, operators may transfer no more than one gallon of fuel at a time during refilling. Operators must use a funnel while pouring, and place an absorbent material such as a towel under the fuel tank to catch any spillage from refueling operations. A spill kit must be available in case of accidental spills. Soil contaminated by spilled petroleum products, must be excavated to the depth of saturation and removed from Federal lands for proper disposal.

18. Except for the 1-gallon or smaller contained used for frequent refueling of the dredge or other equipment, gasoline and other petroleum products must be stored in spill-proof containers at least 100 feet from any stream channel and at a location that minimizes the opportunity for accidental spillage to reach the a stream channel.

19. Operators will not entrain, mobilize, or disperse any mercury discovered during mining operations. Operators must cease operations and notify the FS/BLM if mercury is encountered in dredged material. Operators must not use mercury, cyanide, or any other hazardous or refined substance to recover or concentrate gold.

20. Mining operations must shut down immediately if any sick, injured, or dead specimen of a threatened or endangered species is found within 100 linear stream feet of a dredge operation, and the operator must notify the appropriate Forests/BLM minerals and fisheries staff member within 24 hours of the sighting or discovery of an ESA-listed individual in any condition. The relevant FS/BLM unit would contact the Level 1 Team or FWS Division of Law Enforcement at (208) 378-5333 for the discovery of any dead or moribund individual of an ESA-listed species. Operators and FWS/BLM staff must record the date, time, and location of the sighting or discovery, and, if practical, the cause of fish injury or death. A temporary suspension of operations will allow the FWS/NMFS to investigate whether any take of ESA-listed species is related to suction dredging operations, and whether any modifications of operations is necessary to minimize take.

21. Operators must also comply with all additional conditions or measures stipulated in all necessary permits

22. To prevent the threat of aquatic invasive species, suction dredges, tools used while dredging, and associated equipment must be thoroughly cleaned and dried at least 5 days prior to use on National Forests or BLM-managed land.

B. Mining-Associated Activities

Mining operation sites are typically remote from residential areas, so many operators will need to establish camping and equipment/supply sites in relatively close proximity to the proposed mining site. Camp site, staging areas, and access routes will be proposed by the miner and approved by the the appropriate Forests/BLM minerals and fisheries staff /Level 1 team in order to minimize disturbance, reduce impacts to riparian vegetation, minimize the potential erosion into stream channels, and minimize the potential for toxic or sanitary contamination of operational areas.

Site specificity and the level of protection necessary will be evaluated by the FS/BLM fisheries and minerals staff and will take into account, but may not be limited to the following; presence of listed species, flow regime, floodplain width, riparian characteristics, stream size, and valley shape.

1. Boundaries of camping, equipment and materials storage areas, locations where motorized vehicle use is authorized, and other locations where impacts might be anticipated will be designated and recorded by the the appropriate Forests/BLM minerals and fisheries staff and described in the pre-project checklist. Because of the close proximity of many roads and dispersed campsites to stream channels, these proposed camping and activity sites will often be within RHCA default buffers, so the presence of the RHCA is not, in and of itself, a reason to disapprove a miner's proposed site.

2. Existing disturbed areas, such as existing dispersed campsites, road pull-offs, and prisms, will be utilized whenever possible for miner camping and equipment/supply storage, and areas of minimally sufficient size could be cleared outside of default RHCAs if staging or stockpile areas do not exist.

3. Camping areas, paths, and other disturbed sites that are located within RHCAs and that are created or expanded by mining operations or associated activities must be re-vegetated or otherwise restored to their pre-project condition at the end of the mining season.

4. All human waste and gray water must be kept more than 200 feet away from any live water, unless deposited in an appropriate Forests/BLM waste disposal facility. All refuse from dredging activities must be packed out and disposed of properly.

5. Proposed motorized vehicle access to mining sites via roads or trails not currently open to the general public must be detailed in POOs, but the FS or BLM will not allow or approve the construction of any new roads or trails. The Forests/BLM may allow motor vehicle access necesssary for transportation of equipment or temporary housing on existing roads/trails which are closed to the general public, but only such access that is possible through hand brushing or light road surface maintenance/repair. Any brushing, repair, or maintenance proposed by the claimant that would occur within any RHCA or which has the potential to transmit sediment to stream channels must be specifically approved by the the appropriate Forests/BLM minerals and fisheries staff and Level 1 team and would be inspected by the Forest and BLM during the dredging season.

6. Operators must cease impactive activities during wet periods when project activities are causing excessive ground disturbance (visible ground disturbance due to soil saturation) or excessive damage (muddying/rutting) to roads.

C. Permitting and NOI/POO Processing

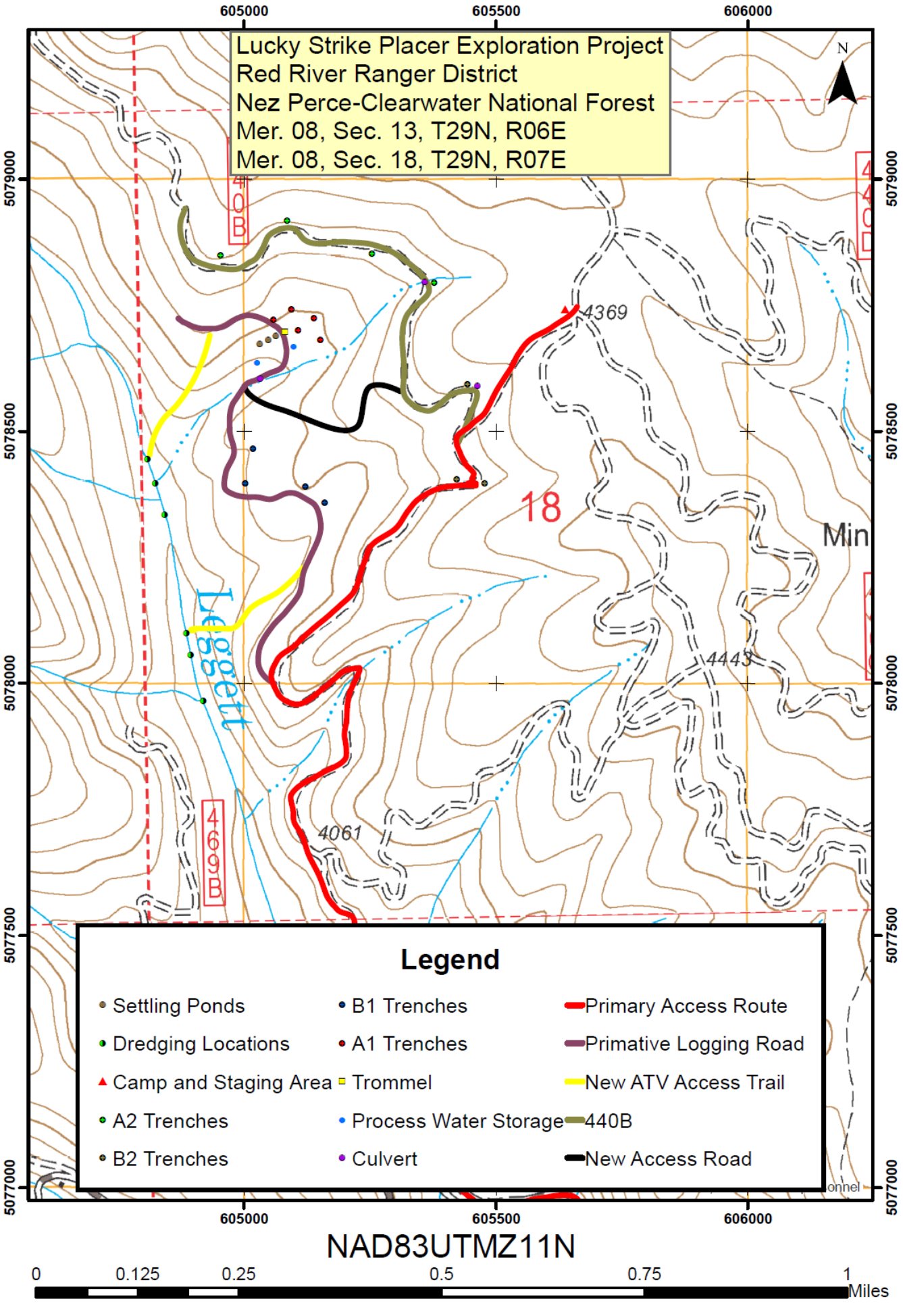
3. Require the prospective miner to demonstrate the actual or likely relevant permission/approval of the IDWR, US EPA, and IDEQ of their proposed mining operations, and agree to adhere to the relevant

requirements/terms/conditions of this permission/approval prior to POO approval/NOI acknowledgment. To the extent that conditions for a specific activity conflict among the agency rules (e.g., dredge spacing), the most stringent condition would be applied to the POO approval/NOI acknowledgment.

I have read and understood the conditions associated with the miner mitigation and operating measures described in Biological Assessment/Biological Opinion for my Plan of Operation. I will ensure that I and any other miners or associates who may assist me in mining operations will comply with these measures. If I do not fully understand how compliance would be achieved in a particular circumstance, I will contact the appropriate Forest Service staff for instructions and refrain from mining activities associated with the circumstance until the issue is resolved by the Forest Service.

_____ _____

Miner's Signature **Date**


Lucky Strike Placer Exploration Project
Red River Ranger District
Nez Perce-Clearwater National Forest
Mer. 08, Sec. 13, T29N, R06E
Mer. 08, Sec. 18, T29N, R07E
N
605000
605500
606000
5079000
5078500
5078000
5077500
5077000
440B
469B
4369
4443
4061
18
Leggett
Min
Legend
Settling Ponds
Dredging Locations
Camp and Staging Area
A2 Trenches
B2 Trenches
B1 Trenches
A1 Trenches
Trommel
Process Water Storage
Culvert
Primary Access Route
Primative Logging Road
New ATV Access Trail
440B
New Access Road
NAD83UTMZ11N
0
0.125
0.25
0.5
0.75
1
Miles